

*We have created this guide to provide practitioners with a tool that lists services and information available from the clerk's office. Additionally, it will provide practitioners with helpful information to enable your offices and ours to work together more efficiently. We hope that this guide will help make any interaction you may have with the clerk's office a more satisfying experience.*

*U.S. Bankruptcy Court*

## **DISCLAIMER**

This Guide is not intended as a substitute for good legal advice. The Clerk is prohibited by law from offering any legal advice. Please do not ask us to answer legal questions.

The user of this Guide is responsible for compliance with all applicable laws, rules and filing requirements.

The information in this Guide is believed to be accurate as of the day of printing, but is not intended as a substitute for the Bankruptcy Code and Rules.

Fee schedules, references to the Bankruptcy Code and Rules, Local Rules and this Guide are subject to change without notice.



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## General Information

- **Public Office Hours** - 9:00 AM to 4:00 PM, Monday - Friday.

\*\*Emergency filings outside of regular business hours may be arranged in accordance with Local Bankruptcy Rule 5005-1.

- **Clerk's Office Phone Numbers** - Albany 518-257-1661    Utica 315-793-8101

- **Clerk's Office Fax Numbers** - Albany 518-257-1650    Utica 315-793-8128

\*\*Fax transmissions are not acceptable for filing.

- **Clerk's Office Locations**

### **ALBANY**

U.S. Bankruptcy Court  
James T. Foley U.S. Courthouse  
445 Broadway, Suite 330  
Albany, NY 12207

### **UTICA**

U.S. Bankruptcy Court  
Alexander Pirnie Federal Building  
10 Broad Street, Room 230  
Utica, NY 13501

### **Serving Counties of:**

Albany, Clinton, Columbia, Essex,  
Franklin, Fulton, Greene, Jefferson,  
Montgomery, Rensselaer, Saratoga,  
St. Lawrence, Schenectady,  
Schoharie, Ulster, Warren and  
Washington

### **Serving Counties of:**

Broome, Cayuga, Chenango, Cortland,  
Delaware, Hamilton, Herkimer, Lewis,  
Madison, Oneida, Onondaga, Oswego,  
Otsego, Tioga and Tompkins

\*\*Map of county assignments included as Appendix 1.

- **Case Assignments** - based on county of residence of debtor. See Local Bankruptcy Rule 1073-1.

- **Case Numbering** - after the two digit year identifier (XX-),  
Albany Cases begin with "1"  
Utica Cases filed prior to 8/92 begin with "0"  
Utica Cases filed on or after 8/92 begin with "6"

- **Chambers Suites/Courtroom Locations\***

### **ALBANY**

Reception Area: Room 310  
Courtroom: Room 306

### **UTICA**

Reception Area: Room 220  
Courtroom: Room 236

### **BINGHAMTON**

Courtroom: First Floor

### **SYRACUSE**

Courtroom: Third Floor

\*See: [www.nynd.uscourts.gov](http://www.nynd.uscourts.gov) @ Court Information for directions to all courthouse locations.

- **Chambers Phone Numbers** - Albany 518-257-1668    Utica 315-793-8111

- **Chambers Fax Numbers** - Albany 518-431-0192    Utica 315-793-8792

\*\*Fax transmissions are not acceptable for filing.

- **Clerk's Fees** - See: 28 U.S.C. Section 1930(a) and 28 U.S.C. Section 1930(b). Fees must be paid at the time of filing unless otherwise ordered by the court.

- **Payment Method** - checks or money orders made payable to Clerk, U.S. Bankruptcy Court (debtor's personal check or credit card not accepted for case filing); in person credit card transaction by card owner only (American Express, Discover, Diners Club, Visa or Mastercard); in person cash (exact amount only).

- **Bankruptcy Bar Associations**

Capital Region Bankruptcy Bar Association  
c/o Cynthia A. Platt, President  
O'Connor, O'Connor, Mayberger & First, P.C.  
20 Corporate Woods Boulevard  
Albany, NY 12211  
518-465-0400

Central New York Bankruptcy Bar Association  
c/o Camille W. Hill, President  
Hancock & Estabrook, LLP  
1500 MONY Tower 1  
100 Madison Street  
Syracuse, NY 13210  
315-471-3151

- **Office of the United States Trustee** - contact regarding meetings called pursuant to 11 U.S.C. Section 341(a) on Chapter 11 cases, and performance of trustees.

**ALBANY**

74 Chapel Street, Suite 200  
Albany, NY 12207  
Telephone No. 518-434-4553

**UTICA**

10 Broad Street, Room 105  
Utica, NY 13501  
Telephone No. 315-793-8191

- **Case Trustee** - contact regarding general estate administration and meetings called pursuant to 11 U.S.C. Section 341(a).

- **Chapter 12 Standing Trustee (District)**

Mark W. Swimelar, Esq.  
250 South Clinton Street, Suite 504  
Syracuse, NY 13202  
Telephone No. 315-471-1499  
Fax No. 315-471-4811

- **Chapter 13 Standing Trustee**

**ALBANY**

Andrea E. Celli, Esq.  
350 Northern Boulevard  
Albany, NY 12204  
Telephone No. 518-449-2043  
Fax No. 518-449-2473

**UTICA**

Mark W. Swimelar, Esq.  
250 South Clinton Street, Suite 504  
Syracuse, NY 13202  
Telephone No. 315-471-1499  
Fax No. 315-471-4811

- **Chapter 12 and 13 Plan Payments:**

***Certified check or money order only.  
Payable to trustee.  
No cash, no personal checks.***

**Payments to trustees mailed to addresses noted here:**

Andrea E. Celli, Esq.  
Chapter 13 Standing Trustee  
P.O. Box 191  
Memphis, TN 38101-1918

Mark W. Swimelar, Trustee  
P.O. Box 1633  
Memphis, TN 38101-1633

## Services

- **Web Site Address:** [www.nynb.uscourts.gov](http://www.nynb.uscourts.gov)

See web page printout (Appendix 2) for list of services and information.

- **Public Access to Court Electronic Records (PACER)**

Fee based Internet service that allows remote access to our database.

Account Registration: 1-800-676-6856

Review and print:

- Basic case information
- Case dockets
- Updated matrices for service
- Claim registers

This service is 24 hours behind the physical docketing of papers filed with the clerk's office. Please see the services directory section or the PACER link on our web site for account information.

- **Voice Case Information System (VCIS) 1-800-206-1952**

Free telephone search of our database providing basic information for all cases and adversary proceedings filed on or after 8/1/92.

Search by :

- Debtor Name
- Case Number
- Tax ID Number
- Social Security Number
- Plaintiff/Defendant Name
- Adversary Proceeding Number

- **Search Services**

In addition to PACER and VCIS the following services are available:

Public access terminals in the clerk's office and access to the closed docket books for searching the public record.

Fee based, certified searches by the clerk's office. For a fee of \$20.00 per name or item, the clerk's office staff will search the public record and provide a written report of findings.

Refer to the services directory section for the appropriate court contact.

- **Certified Copies**

To obtain a certified copy of a document, you must provide a photocopy of the *original document*. A duplicate original of a document cannot be certified.

Certification Fee: \$7.00

- **Copy Service**

To obtain photocopies from a case or adversary when you have the case or adversary number, contact **Copy Valet, Inc.** Copy services are available in the clerk's office from 11:00 AM to 4:00 PM, Monday - Friday.

**Copy Valet:** 518-472-1433

- **Federal Records Center (FRC)**

Closed cases and adversary proceedings are shipped to the FRC for storage. Case files and adversary files can be recalled for review, reopening or copies. A \$25.00 retrieval fee applies for this service.

Copies can be requested directly from the FRC. Mail your request for an accession number search along with a \$20.00 search fee to the appropriate clerk's office. The clerk's office will provide you with a photocopy order form containing information needed to locate your file in the Records Center. Fill out the balance of the form and mail to the FRC along with the copy fee. For further information or questions refer to the services directory section.

- **Local Rules**

The Local Rules of the United States Bankruptcy Court for the Northern District of New York (effective as of January 1, 1998) can be obtained from our Web site or by sending a self-addressed, postage-paid (\$3.50) large envelope (10" x 12") to either the Albany or Utica clerk's office.

- **Recorded Information**

The following information is available by calling the main office number: 518-257-1661 (Albany) or 315-793-8101 (Utica) and choosing **Option 3**:

- Fees
- Filing Requirements
- Address & Office Hours
- Searches
- Copy Service
- Motion & Calendar Information



## District Court Services

- **Web Site Address:** [www.nynd.uscourts.gov](http://www.nynd.uscourts.gov)
- **Local rules and applications for admission to practice** in the northern district are available here.

Copies of the district court local rules and attorney admissions forms are also available in the district court clerk's office or by mail; include a self-addressed, postage-paid (\$3.50) envelope (10" x 12").

- **Transcription of Judgments**

Judgments forwarded *at your request* for indexing by the district court may be transcribed for filing with the appropriate state or local authorities. Call the district court clerk's office for instructions.

### **Albany**

James T. Foley - U.S. Courthouse  
445 Broadway, Room 222  
Albany, NY 12207-2924  
(518) 257-1800

### **Utica**

Alexander Pirnie Federal Building  
10 Broad Street  
Utica, NY 13501  
(315) 793-8151

### **Binghamton**

U.S. Courthouse & Federal Building  
15 Henry Street  
Binghamton, NY 13902  
(607) 773-2893

### **Syracuse**

100 S. Clinton Street  
P.O. Box 7367  
Syracuse, NY 13261-7367  
(315) 234-8500

- **Appeals**

View and print appeal related dockets via the PACER system.

## FILING REQUIREMENTS

### PETITIONS

COMPLETE VOLUNTARY CHAPTER 7 AND 13	COMPLETE VOLUNTARY CHAPTER 11
<b>ORIGINAL AND FOUR COPIES OF:</b>	<b>ORIGINAL AND SIX COPIES OF:</b>
~ Petition (two pages), (thoroughly completed, signed and dated)	~ Petition (two pages), (thoroughly completed, signed and dated)
~ Summary of Schedules	~ Summary of Schedules
~ Schedules A - J	~ Schedules A - J
~ Declaration Concerning Debtor's Schedules	~ Declaration Concerning Debtor's Schedules
~ Statement of Financial Affairs	~ Statement of Financial Affairs
~ FRBP 2016(b) Statement	~ FRBP 2016(b) Statement
~ Statement of Intention (Chapter 7 Only)	~ List of 20 Largest Creditors
~ Mailing Matrix	~ Mailing Matrix
~ Certification of Mailing Matrix	~ Certification of Mailing Matrix
	~ Mailing Matrix of 20 Largest Creditors
	~ Certification of Mailing Matrix for 20 Largest Creditors
~ Filing Fee **	~ Filing Fee **
<b>PLAN (CHAPTER 13 ONLY)</b>	<b>DEBTOR'S AFFIDAVIT (ORIGINAL AND ONE COPY)</b>

INVOLUNTARY PETITION
<b>ORIGINAL AND SAME NUMBER OF COPIES AS REQUIRED FOR CHAPTER FILED:</b>
~ Petition (two pages), (thoroughly completed, signed and dated)
~ Petitioning Creditors Declaration
~ Mailing Matrix
~ Certification of Mailing Matrix
~ Filing Fee **
<b>NOTE:</b> Debtor must file required lists, schedules and statements if order for relief is entered.

** FILING FEES				
<b>CHAPTER 7</b> \$200.00	<b>CHAPTER 9</b> \$830.00	<b>CHAPTER 11</b> \$830.00	<b>CHAPTER 12</b> filings not accepted	<b>CHAPTER 13</b> \$185.00

~ **CORPORATE FILING:** **MUST** be represented by an attorney and **MUST** include a copy of the corporate resolution.

~ **PARTNERSHIP FILING:** **MUST** include original or copy of partnership resolution.

~ **JOINT FILING:** **MUST** be individual and legal spouse **ONLY**.

~ **ATTORNEYS:** **MUST** be admitted to practice in the NDNY (contact district court).

## FILING REQUIREMENTS

ADVERSARY PROCEEDINGS
<b>FORMS REQUIRED:</b>
~ Complaint (original only)*
~ Cover Sheet (original only)*
~ Summons (original and number sufficient for each defendant to be served; clerk will sign, seal and issue to plaintiff for service)
<b>FILING FEE: \$150.00**</b>

\* Original signature required.

\*\* Unless an application to proceed in forma pauperis is submitted with complaint or plaintiff meets the following exceptions:

The Plaintiff is:

- ~ a debtor (does not apply to Debtor in Possession in a chapter 11 or 12)
- ~ a child support creditor in accordance with 28 U.S.C. Section 1930 and if such plaintiff files the form required by Section 304(g) of the Bankruptcy Reform Act of 1994
- ~ a federal agency
- ~ a trustee (if there are no liquid funds immediately available, the fee may be deferred and charged to the estate - the trustee must file an affidavit that there are insufficient funds in the estate with which to pay the filing fee)

## AMENDMENTS TO LISTS, SCHEDULES AND STATEMENTS

Filing Requirements For **All Amendments**:

- Case must be open (or reopened).
- Proper caption (including word "amended" in title of document).
- Sufficient numbers (Chapters 7, 12 or 13 - Original and Four; Chapter 11 - Original and Six).
- Executed verification or unsworn declaration (original signature(s) on original amendment).
- Certificate reflecting service of notice of amendment on affected parties.

**Additional** Requirements For Amendments To:

List of Creditors/Schedule of Liabilities (D, E or F)

- Filing fee of \$20.00.
- Serve copy of any matter previously noticed with notice of amendment.
- Include ONLY additional creditor(s) in amended list/schedule.
- Include "amended matrix" listing ONLY name and address of additional creditor(s).
- Include amended certification of matrix.

Schedule of Assets (A, B or C) and Liabilities (D, E or F) - **Affecting Amounts**

- Adjust totals on amended schedule AND amended summary of schedules.

List of Creditors

- When a list of creditors is filed in lieu of completed schedules, and thereafter additional creditors are listed in the completed schedules, an amendment to the list of creditors is required.

**Refer to Federal Rule of Bankruptcy Procedure 1009 and Local Bankruptcy Rules 1009-1 and 9004-1 for more detailed information.**

## FILING REQUIREMENTS GENERAL

### FEE APPLICATIONS:

~ original (one extra copy required in ALBANY ONLY)

### NOTICE OF APPEAL:

~ original plus one copy for each party to the matter on appeal  
~ filing fee: \$105.00

### ORDER AND JUDGMENTS:

~ original (may submit extra copies with self-addressed, postage paid envelope)  
~ all original orders **MUST** have a backer  
~ must be submitted by the prevailing party not later than 30 days from the date of the ruling  
~ notice of contested orders must be provided pursuant to FRBP Rule 9022 and Local Bankruptcy Rule 9022-1

### ORDERS AND JUDGMENTS INDEXED WITH DISTRICT COURT:

~ must file request to index order/judgment, photocopy of order/judgment, and fee of \$7.00 for certification  
~ once indexed a transcript of judgment is obtained directly from the district court

### PROOFS OF CLAIM:

~ chapter 7, 12, or 13 - original and one copy  
~ chapter 11 - original only  
~ **NOTE: to receive an acknowledged copy back, you must provide one extra copy and a self-addressed, postage paid envelope**

### PRE-TRIAL STATEMENTS AND EXHIBITS:

~ original and two copies (Albany Only)

MOTIONS/NOTICES REQUIRING A FEE	
If the motion requires a hearing, obtain a return date. Submit an original motion with notice of hearing or default notice of hearing (if appropriate) and certificate of service. Only original papers are required. If you would like time-stamped copies returned, you must submit these with a self-addressed postage paid envelope.	
TYPE OF MOTION/NOTICE	FILING FEE REQUIRED
MOTION FOR RELIEF FROM AUTOMATIC STAY	\$75.00
MOTION TO COMPEL ABANDONMENT OF PROPERTY	\$75.00
MOTION TO WITHDRAW REFERENCE	\$75.00
MOTION TO CONVERT TO CHAPTER SEVEN	\$15.00
NOTICE OF VOLUNTARY CONVERSION FROM CHAPTER 12 OR 13 TO CHAPTER 7	\$15.00
MOTION TO CONVERT TO A CHAPTER 11	\$645.00
MOTION TO REOPEN	\$155.00 - chapter 7 \$800.00 - chapter 11 \$200.00 - chapter 12 \$155.00 - chapter 13
MOTION TO SEVER	One half of the current filing fee for the chapter under which the joint case was commenced

## Quick Reference

Federal Rules of Bankruptcy Procedure (FRBP)  
Local Bankruptcy Rules for the Northern District of New York (LBR)

☐ **Proper Captions - see LBR 9004-2**

Use correct case numbers  
Use correct adversary proceeding numbers  
Use correct debtor name

☐ **Original Signatures - see FRBP 9011**

Blue ink preferred

☐ **Certificates of Service - see LBR 9013-3**

Specify what has been served  
Specify who has been served  
Specify who effected service and when  
Use printed backers or provide other filer information

☐ **Requirements of Form for Papers - see LBR 9004-1**

Use 8 ½ x 11 inch white opaque paper  
Two (2) hole punch original documents  
Use backers on original of all proposed orders  
Not less than 1 ½ spaces between lines, except for quoted material

☐ **Mailing List or Matrix - see LBR 1007-2**

Use 8 ½ x 11 inch white opaque paper  
Type on one side only  
Use typeface compatible with optical scanner  
Compatible fonts: Courier 10, Prestige Elite 12, Letter Gothic  
Do not hole punch  
Do not staple to other papers  
Submit Certification of Matrix  
Submit Matrix of Twenty Largest Creditors, if applicable (see FRBP 1007(d))

☐ **Motion Practice - see LBR 9013-1**

☐ **Default Motion Practice - see LBR 9013-4**

## Helpful Reminders



- Cure filing deficiencies in a timely manner.
- Have complete and accurate Social Security and Tax ID numbers.
- Use complete caption including case number and adversary number, if applicable, on all papers presented for filing.
- Ensure that original documents have original signatures (blue ink preferred).
- Review petition, adversary cover sheet, etc., for accurate and complete information.
- Know your filing fees.
- File correct number of copies; remember to include extra copies for your files, the debtor(s) and creditor(s) as appropriate.
- Claims filed *before conversion* in a chapter 11, 12 or 13 case, are deemed filed in the chapter 7 case - FRBP 1019(3).
- Remind debtors to keep copies of their petition and discharge.
- Enclose a **self-addressed, stamped envelope** to receive time stamped copies back from the clerk's office.
- Use the most current version of forms.
- When filing a complaint, include an original and enough copies of the summons for service.
- File papers with the clerk's office, not chambers.
- When amending schedules D, E or F: Schedule and matrix should list the amended creditor(s) ONLY!

## Forms

The following forms are available on our website - [www.nynb.uscourts.gov](http://www.nynb.uscourts.gov) - and in the clerk's office:

- ~ Application to Pay Filing Fee in Installments (B3 - Rev 3/97)
- ~ Proof of Claim (B10 - Rev 4/01)
- ~ Adversary Proceeding Cover Sheet (B104 - Rev 2/92)
- ~ Summons in an Adversary Proceeding (B250A - Rev 9/94)
- ~ Subpoena for Rule 2004 Examination (B254 - 11/91)
- ~ Subpoena in an Adversary Proceeding (B255 - 11/91)
- ~ Subpoena in a Case Under the Bankruptcy Code (B256 - 11/91)
- ~ Reaffirmation Agreement (B240 - Rev 3/99)
- ~ Transcript Order Request Form (AO 435 - Rev 1/90)
- ~ Tape Order Request Form (AO 436 - Rev 1/87)
- ~ Application for Search of Records (F:53 - Rev 1/18/00)
- ~ Certification of Mailing Matrix (F:LR1007(10/19/99)
- ~ Federal Records Information Request Form (P:M008(06/13/00)
- ~ Request for Copies

(04/04/01)

**U. S. BANKRUPTCY COURT**  
**CLERK'S SERVICES DIRECTORY**  
**Albany Division**  
**(518-257-1661)**

**Administration**

Diann M. Freeman	Chief Deputy Clerk	Located in the Utica Office Contact number 315-793-8101
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Name	Title	257-Extention	Direct Inquiries Regarding
Mary Ann Tangorre	Administrative Assistant	1604	Statistical Information Contacting Clerk of Court
John Connolly	Financial Administrator	1620	Administration of Financial/Intake Department
Margaret B. Dempsey	Operations Manager	1609	Administration of Operations Department
Sharon A. Ellis	Personnel Specialist	1626	All Personnel Related Matters
Christopher Junjulas	Procurement Administrator	1628	Procurement and Contracts
Francis J. Faragon	Assistant Procurement Administrator	1639	Bidding, Service Calls, Maintenance Agreements and Invoices

**Financial / Intake**

Lisa Cardinal	Supervisor	1601	Trustee and Installment Payments Accounts Receivable Accounts Payable
Vicki Griffin	Intake Deputy	1608	<input type="checkbox"/> Fees <input type="checkbox"/> Filing Petitions/Deficiency Calls <input type="checkbox"/> Federal Records Searches (archived cases) <input type="checkbox"/> Official Searches (where files are currently located) <input type="checkbox"/> Copies of Local Rules <input type="checkbox"/> Copying Service - Copy Valet <input type="checkbox"/> Forms Available <input type="checkbox"/> Forwarding Calls to Appropriate Parties <input type="checkbox"/> Receiving Documents <input type="checkbox"/> Return Policy
Dina McDonald	Intake Deputy	1611	
Dana Paurowski	Intake Deputy	1607	



**Automation**

Ann Marie Waters	Supervisor	1635	PACER, VCIS and Internet
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**Chambers / Courtroom Services Staff**

<b>Name</b>	<b>Title</b>	<b>257 - Extension</b>	<b>Direct Inquiries Regarding</b>
Sue Skinner	Judicial Assistant	1605	
Elizabeth Wolf	Courtroom Services Manager	1615	Hearing Related Matters
Theresa O'Connell	Appeals Clerk and Electronic Court Recorder Operator	1606	Appeals Transcripts Tapes

**Operations**

Thomas Zdanowicz	Supervisor	Extension 1618
Edward DiDonna	Supervisor	Extension 1632

John Yungblut	Case Input Deputy	1640	Case Input Mailing Matrix Petition Deficiencies
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<b>Case Administrator</b>	<b>Oversees cases ending in:</b>	<b>257 - Extension</b>
Cherie Staigar	01 - 10, 11, 20	1614
Marie Patton	21 - 30, 12	1629
Suzanne Millett	31 - 40, 13	1625
Sean Garrow	41 - 50, 14	1641
David Cleveland	51 - 60, 15	1637
Judy Thibault	61 - 70, 16	1610
Dorothy Glasheen	71 - 80, 17	1631
Claire Bikowitz	81 - 90, 18	1636
Kathy Coughlin	91 -100, 19	1633

**U. S. BANKRUPTCY COURT**  
**CLERK'S SERVICES DIRECTORY**  
**Utica Division**  
**(315-793-8101)**

**Administration**

Name	Title	Extension	Direct Inquiries Regarding
Diann M. Freeman	Chief Deputy Clerk		
Jeanne Zdanowicz	Operations Manager	121	Administration of Operations Department
Dina Ventura	Training Specialist	109	Administration of Training

**Chambers**

Kathi Dempsey	Judicial Assistant	122	
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**Automation**

James Fleming	Automation Specialist	114	PACER, VCIS and Internet
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**Financial / Intake**

Lori Nemyj	Supervisor	144	Trustee and Installment Payments Accounts Receivable
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Pamela Foster	Intake Deputy	100	<input type="checkbox"/> Fees
			<input type="checkbox"/> Filing Petitions/Deficiency Calls
			<input type="checkbox"/> Federal Records Searches (archived cases)
Deborah O'Neill	Intake Deputy	101	<input type="checkbox"/> Official Searches (where files are currently located)
			<input type="checkbox"/> Copies of Local Rules
			<input type="checkbox"/> Copying Service - Copy Valet
Kathleen Barrett	Intake Deputy	111	<input type="checkbox"/> Forms Available
			<input type="checkbox"/> Forwarding Calls to Appropriate Parties
			<input type="checkbox"/> Receiving Documents
			<input type="checkbox"/> Return Policy

## Courtroom Services Staff

Name	Title	Extension	Direct Inquiries Regarding
Fred Grimaldi	Courtroom Services Manager	147	Adjournments Of All Court Calendar Items (except 341 hearings)
Dina Alsante	Courtroom Deputy	102	Adjournments Of All Court Calendar Items (except 341 hearings)
Carol DeVoe	Electronic Court Recorder Operator and Appeals Clerk	150	Tape Duplication and Transcripts Appeals

## Operations

Bruce Denslow	Supervisor	Extension 105
Donna Kolwaite	Supervisor	Extension 117

Leigh Ford	Case Input Deputy	153	Case Input Mailing Matrix Petition Deficiencies
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Case Administrator	Oversees Cases Ending In Series	Extension
Michele Cagwin	1-13	110
Donna Eggleston	14-25	152
Darcy Davis	26-37	108
Tom Schaaf	38-50	148
Mary Davis	51-62	149
Debbie Bingham	63-75	103
Rochelle Murine	76-88	136
Kim LaVeck	89-00	107
Jeffery Dingman	Bennett	106
Joyce Dingman	Bennett Adversaries	118
Diane Testa	Case Administrator	112
Colleen Johnson	Assistant Bennett Case Administrator	128
Cindy Wheeler	Assistant Bennett Case Administrator	134

## Appendices

[\(Link to Appendix 1- Map of County Assignments\)](#)

[\(Link to Appendix 2 - Web Page Printout\)](#)

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____		<b>PROOF OF CLAIM</b>
Name of Debtor	Case Number	THIS SPACE IS FOR COURT USE ONLY
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (The person or other entity to whom the debtor owes money or property):	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.	
Name and address where notices should be sent:	<input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
Telephone number:		
Account or other number by which creditor identifies debtor:	Check here if this claim <input type="checkbox"/> replaces a previously filed claim, dated: _____ <input type="checkbox"/> amends	
<b>1. Basis for Claim</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Goods sold  <input type="checkbox"/> Services performed  <input type="checkbox"/> Money loaned  <input type="checkbox"/> Personal injury/wrongful death  <input type="checkbox"/> Taxes  <input type="checkbox"/> Other _____         </div> <div style="width: 50%;"> <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a)  <input type="checkbox"/> Wages, salaries, and compensation (fill out below)            Your SS #: _____            Unpaid compensation for services performed            from _____ to _____  <div style="text-align: center;">(date) (date)</div> </div> </div>		
<b>2. Date debt was incurred:</b>	<b>3. If court judgment, date obtained:</b>	
<b>4. Total Amount of Claim at Time Case Filed:</b> \$ _____ If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
<b>5. Secured Claim.</b> <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____  Value of Collateral: \$ _____   Amount of arrearage and other charges <u>at time case filed</u> included in secured claim, if any: \$ _____	<b>6. Unsecured Priority Claim.</b> <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,650)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). <small>*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>	
<b>7. Credits:</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.  <b>8. Supporting Documents:</b> Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.  <b>9. Date-Stamped Copy:</b> To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		THIS SPACE IS FOR COURT USE ONLY
Date	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):	
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.		

# INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

## — DEFINITIONS —

### **Debtor**

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

### **Creditor**

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.

### **Proof of Claim**

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

### **Secured Claim**

A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also *Unsecured Claim*.)

### **Unsecured Claim**

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

### **Unsecured Priority Claim**

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

## Items to be completed in Proof of Claim form (if not already filled in)

### **Court, Name of Debtor, and Case Number:**

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

### **Information about Creditor:**

Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

### **1. Basis for Claim:**

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

### **2. Date Debt Incurred:**

Fill in the date when the debt first was owed by the debtor.

### **3. Court Judgments:**

If you have a court judgment for this debt, state the date the court entered the judgment.

### **4. Total Amount of Claim at Time Case Filed:**

Fill in the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

### **5. Secured Claim:**

Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of the documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above).

### **6. Unsecured Priority Claim:**

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

### **7. Credits:**

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

### **8. Supporting Documents:**

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.